UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,051	06/29/2005	Philip Steven Newton	NL 021482	4083

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EXAMINER
NEWLIN, TIMOTHY R

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Timothy R. Newlin</td><td>2623</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>7/7/2008</u>.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6 and 8-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6 and 8-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1.   Claims 1, 4-6, and 9-16 are rejected under 35 U.S.C. 102(a) as anticipated by OPENTV, WO 01/33852.

2.   Regarding claim 1, OPENTV discloses a method and use of transmitting interactive television, whereby at least an interactive television application is transmitted inside application-modules in a broadcast stream that includes television content, said method comprising the step of

signaling storage related information of said modules in a transmitted broadcast stream **[p. 4, 32-35; p. 5, 26-27, pp. 6-7, lines 37-5]**; and

characterized in that said step of signaling storage related information comprises

signaling of categories stating whether said modules are mandatory **[if program is to**

be played immediately, the data objects are deemed *necessary*, p. 4, 31-32; flags

are inserted identifying objects that *need* to be cached, p. 5, line 25-26], optional

[programs can be stored at the option of the user, p. 6, 38, p. 8, 26-27; modules

categorized as within a validity range are available, p. 8, 5-7], or forbidden **[live**

data objects are not stored, p. 3, line 20; objects categorized as outside their

validity range are unavailable for storage, p. 8, 5-7] to record.

3.   Regarding claim 4, OPENTV discloses a method according wherein the step of

signaling storage related information further comprises the step of signaling module

identification information in said broadcast stream. **[p. 5, line 15; p. 7, 24-28]**.

4.   Regarding claim 5, OPENTV discloses a method whereby the step of signaling

storage related information comprises signaling said storage related information and/or

said module identification information in the Application Information Table **[file table, p.**

3, 5-19] and/or in the Download Information Indication message.

5.   Regarding claims 6 and 12, OPENTV discloses a method whereby said module

identification information is defined and included in the AIT and consists of two fields,

the first field being an organisation_id **[e.g., version number or carousel ID, p. 5, 13-**

16] and the second field being an application_id **[object identifiers are transmitted, p.**

2, line 35], whereby said id values are used to identify identical applications **[version numbers are used by the receiver to identify identical versions, for example to filter incoming data objects, p. 5, 24-28]**.

6.   Regarding claim 9, OPENTV discloses a method whereby said signaling storage related information comprises signaling of properties of a module chosen from code and/or data **[p. 5, 29-30]**.

7.   Regarding claims 10 and 11, OPENTV discloses a method of receiving an interactive television broadcast stream for recording, whereby at least an interactive television application is comprised in the broadcast stream inside application-modules , said method comprising the steps of

extracting storage related information of said modules from said broadcast stream **[p. 5, 12-18]**, and

recording of modules which are mandatory or optional to record, based on said storage related information **[flags indicate data objects that *need* to be recorded, p. 5, 24-28]**;

characterized in that said storage related information comprises categories stating whether said modules are mandatory **[if program is to be played immediately, the data objects are deemed *necessary*, p. 4, 31-32; flags are inserted identifying objects that *need* to be cached, p. 5, line 25-26]**, optional **[programs can be stored at the option of the user, p. 6, 38, p. 8, 26-27; modules categorized as within a**

validity range are available, p. 8, 5-7], or forbidden [live data objects are not stored,

p. 3, line 20; objects categorized as outside their validity range are unavailable for

storage, p. 8, 5-7] to record.

8.   Regarding claim 13, OPENTV discloses a method whereby said interactive

television is MHP, OpenTV or DASE [Summary section describes OPEN protocol.

pp. 2-3].

9.   With respect to claim 14, OPENTV discloses an apparatus for recording and/or

playing back interactive television, said apparatus being adapted to record and/or

playback interactive television to and from a storage medium respectively, said

apparatus being adapted to receive interactive television from a broadcast stream, said

apparatus comprising

        means for extracting storage related information of said modules transmitted

inside said broadcast stream [p. 5, 12-18], and

        means for recording of modules [receiving station 18 and mass storage

device 16, Fig. 1].

        characterized in that said storage related information comprises categories

stating whether said modules are mandatory [if program is to be played immediately,

the data objects are deemed *necessary*, p. 4, 31-32; flags are inserted identifying

objects that *need* to be cached, p. 5, line 25-26], optional [programs can be stored

at the option of the user, p. 6, 38, p. 8, 26-27; modules categorized as within a

validity range are available, p. 8, 5-7], or forbidden **[live data objects are not stored,**

p. 3, line 20; objects categorized as outside their validity range are unavailable for

storage, p. 8, 5-7] to record, and said means for recording being adapted to record only

modules for which said storage related information allows recording.

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10.   Regarding claim 15, OPENTV discloses an apparatus whereby said storage

related information comprises module identification information for modules, and

whereby said apparatus further comprises means for preventing recording of more than

one application module with identical module identification information on a storage

medium in said apparatus **[version numbers are used by the receiver to identify**

identical versions, for example to filter incoming data objects, p. 5, 24-28].

11.   Regarding claim 16, OPENTV discloses a computer-readable medium having

embodied thereon a computer program for processing by a computer, the computer

program comprising a code segment for signaling storage related information of

modules in an interactive television broadcast stream, whereby at least an interactive

television application is transmitted inside application-modules in a broadcast stream

[broadcast station 12 and application execution engine perform the method

disclosed in OPENTV, see Summary, pp.2-3; p. 4, 11-35];

          characterized in that said storage related information comprises categories

stating whether said modules are mandatory **[if program is to be played immediately,**

the data objects are deemed *necessary*, p. 4, 31-32; flags are inserted identifying

objects that *need* to be cached, p. 5, line 25-26], optional [programs can be stored

at the option of the user, p. 6, 38, p. 8, 26-27; modules categorized as within a

validity range are available, p. 8, 5-7], or forbidden [live data objects are not stored,

p. 3, line 20; objects categorized as outside their validity range are unavailable for

storage, p. 8, 5-7] to record.

12.   Claims 2, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over OPENTV as cited above, in view of Metz et al., US 5,678,539.

13.   Regarding claim 2, OPENTV does not disclose using DSMCC modules to

transmit application data. Metz teaches this method at **col. 10, 5-12**. One of ordinary

skill would have been motivated to format the data modules disclosed in OPENTV for

transmission via DSMCC protocol, in order to provide a standard data format usable by

a wide range of receivers. Metz articulates the need for a standard interface protocol

[col. 4, 53-64]. Using DSMCC provides a standard protocol that can be used across

different receiver platforms.

14.   Regarding claim 3, OPENTV discloses a method wherein said at least one

application object comprises at least one application file object and at least one

application directory object, said application file object comprising at least one

application file and said at least one application directory object comprising storage

directory information on respective application file **[p. 3, 5-6; p. 5, 14-16]**.

15.   Regarding claim 8, OPENTV discloses a system that generates groups of

modules with similar storage related information in an object carousel for broadcasting

[carousels are groups of data objects that are transmitted together, with

corresponding version numbers and carousel references, pp. 7-8, lines 26-2; p. 8,

lines 22-28]. As discussed above, Metz teaches the use of DSMCC protocol.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Timothy R. Newlin whose telephone number is (571)

270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

TRN